

REMARKS

This amendment is responsive to the Office Action mailed May 31, 2005.

Claims 20-22, 25-27, 58-60 and 63 were indicated to be allowable if re-written to include the limitations of their base claims and any intervening claim.

In reliance thereon, allowable claim 21 was rewritten in independent form as amended claim 1. Amended claim 1 and its dependent claims are, therefore, allowable. Allowable claim 25 was also re-written in independent form as new claim 74. New claim 74 and its dependent claims 75-104 are also believed, therefore, to be allowable. Similarly, allowable claim 26 has been rewritten in independent form, and is presented herewith as new claim 105. New claim 105 and its dependent claims 106-136 are believed, therefore, to be allowable.

Allowable claim 26 recites:

The post-biopsy cavity treatment implant of claim 1, wherein the second portion is configured to have a second crosslinking density and wherein the first portion is configured to have a first crosslinking density that is greater than the second crosslinking density.

Moreover, in the section entitled "**Allowable Subject Matter**", the Office indicated that "the prior art does not teach or fairly suggest ... an implant having portions with differing cross-linking densities."

With the foregoing in mind, the Office should note that independent claim 40 recites:

A post-biopsy cavity treatment implant, comprising:

a first portion comprising a first collagenous matrix, the first collagenous matrix being controlled to have a first crosslinking density, and

a second portion in contact with the first portion, the second portion comprising a second collagenous matrix, the second collagenous matrix being controlled to have a second crosslinking density, the first crosslinking density being controlled to be different than the second cross-linking density.

Therefore, independent claim 40 recites that the first collagenous matrix is controlled to have a first crosslinking density and that the second collagenous portion is controlled to have a second crosslinking density, the first crosslinking density being controlled to be different than the second crosslinking density. Therefore, in view of the allowability of claim 26 and the Office's own unambiguous statement that the prior art does not teach or fairly suggest "...an implant having portions of differing cross-linking densities", it is submitted that claim 40 – which incorporates just such a recitation – is also allowable.

In view of the indication of allowable subject matter, it is believed that the 35 USC §102(b) rejections applied to claim 40 and its dependent claims over Krajicek are moot. In the event that the Applicant has misinterpreted the Office's intentions regarding claim 40, it is respectfully submitted that Krajicek does not even once refer to crosslinking, cross-linking or any type of linking. Therefore, Krajicek cannot be said to anticipate claim 40, which positively recites that the first and second portions of the implant are controlled to have differing cross-linking densities – which is specifically what the Office indicates to be allowable on page 6, lines 2-3 of the outstanding Office Action. Reconsideration and withdrawal of the 35 USC §102(b) rejections are respectfully requested.

Claim 70 has been canceled.

Also on page 6 of the outstanding Office Action, the Office indicates that the prior art does not teach or fairly suggest "a method of mapping a lymphatic system following a cavity generating procedure, including providing an implant having a collagenous matrix with non-uniform cross-linking density... visualizing the pigment in the lymph system.", which is the subject matter of independent claim 34, which was withdrawn following a restriction requirement. If the Examiner has determined that the subject matter of claim 34 and its dependent claims is

allowable, the Examiner is respectfully invited to re-instate claim 34 and its dependent claim by, for example, an Examiner's Amendment.

It is, therefore, respectfully submitted that the present application is in condition for allowance, and an early indication of the same is respectfully requested. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below and whatever is necessary to resolve such issues will be done at once.

Respectfully submitted,

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